

First, applicant respectfully submits that a *prima facie* case of anticipation has not been established. Each element in the claims has not been pointed out as to where it is allegedly found in Crevelt. To illustrate with a few perplexing instances, it is not clear what the Examiner is asserting comprises an "active layer" in Crevelt; what the Examiner is asserting comprises an intermediate "host processor" in Crevelt; or where the examiner finds "profiling" in Crevelt. The Examiner identifies entities in Crevelt but does not state how or where those entities are asserted to correspond to elements in the applicant's claims. Applicant, thus, is unable to respond further, since the basis for the rejection cannot be determined. Applicant cannot determine where "issues" exist that need to be resolved.

Short Statement of the Law and/or Regulations

The Office has the burden to establish a *prima facie* case of unpatentability of the pending claims on any grounds, including anticipation and obviousness. *In re Oetiker*, 24 U.S.P. 2d 1443, 1444 (Fed. Cir. 1992). If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more, the applicant is entitled to grant of the patent. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1444.

In order to establish a case of *prima facie* anticipation, the examiner must establish that each and every element as set forth in the claims is found, expressly or inherently described, in a single prior art reference. MPEP 2131. It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. MPEP § 706.02(j)

Conclusion

Applicant respectfully requests communication of where each element in the claims is being asserted to be found in Crevelt. Otherwise, or without more, applicant submits applicant is entitled to grant.

Discussion of Amended Claims

In good faith and to advance the process, Applicant has amended and added to the claims herein to correct typographical type mistakes and to clarify, focus, simplify and amplify. The amendments are provided to highlight and to focus upon, in a general sense, where distinctions lie between applicant's invention and the examiner's primary reference, Crevelt.

In light of the Action, applicant assumes that the examiner takes the position that an "intermediate host processor", without more definite functionality specified, could be alleged to include a variety of intermediary processors coming after a POS device and before a financial institution. Similarly, applicant assumes that the examiner takes the position that an "active layer", without more definite functionality specified, could be alleged to include a variety of hardware/software systems communicating with a POS device, a host processor and an entertainment machine. (An active layer could be incorporated into an accounting system, and historically, accounting systems have existed. An active layer could be incorporated into or with an intermediate host processor.) Therefore, for purposes of greater definitiveness, in certain claims specific functionality for an active layer and/or for an intermediate processor has been specified.

Directing attention to the amended claims, in making a *prima facie* case the Examiner is respectfully requested not to overlook in claim 1 operating steps subsequent to "placing" steps. In independent claim 8 the Examiner is likewise respectfully requested not to overlook means plus function specified for the active layer. In independent claim 14 the Examiner is respectfully requested not to overlook means plus function specified for an active layer and for an intermediate host processor. (Applicant submits that independent claims 24 and 26 distinguish over the art for reasons similar to those affecting prior claims.)

Applicant has made a diligent effort to place the claims in condition for allowance. This includes presenting the invention from a perspective that emphasizes its distinctiveness vis-à-vis the examiner's choice of primary reference, Crevelt, although having to speculate at this point as to precisely how the examiner might be applying the reference. Should there remain unresolved "issues" that require action, it is respectfully requested, under the circumstances, that the Examiner telephone so that the issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

It is believed that no further request for extension of time or fees are due. Notwithstanding, the Commissioner is authorized to charge any additional fees incurred or credit

any overage to Deposit Account No.50-1753 (50083). Please regard this as a further request for extension of time to the extent one is needed.

Respectfully Submitted,




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“Mark-up” Amended Claims
 (“[]” indicate deletions; “___” indicates additions)

1. (Amended) A method of providing money to a user at an entertainment machine in an
5 institution, the method comprising:

[providing the entertainment machine] associating a point of sale device with the
entertainment machine;

[coupling] placing the entertainment machine and the point of sale device in
communication with an active layer; [to a slot accounting system via a communication channel];

10 coupling the slot accounting system to a slot accounting system via the communication
channel;

[coupling] placing the active layer [to] in communication with a host processor [via the
communication channel];

[coupling] placing the host processor [to] in communication with a financial institution
15 [via the communication channel];

requesting electronic funds via the point of sale device;

forwarding the request to the active layer;

profiling the request by the active layer and either approving or disapproving the request;

forwarding the request to the host processor if the request is approved during profiling;

20 requesting pre-authorization for the request from the financial institution; and

[forwarding] providing electronic funds to [at least] the user within the institution if the
request is preauthorized and profile approved.

2. (Amended) A method in accordance with claim 1 wherein the request for electronic
funds [are] is not forwarded to the host processor if the request is not approved during profiling
25 [considered a point-of-sale transaction].

3. (Amended) A method in accordance with claim 1 wherein the electronic funds are
[forwarded the] provided by a slot accounting system [and] to the entertainment machine.

4. (Amended) A method in accordance with claim 1 wherein the electronic funds are
[forwarded] provided to a cashier's location in the institution.

30 5. (Amended) A method in accordance with claim 4 wherein a representative of the
institution [brings] provides funds by bringing money or gaming chips to the user.

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6. (Amended) A method in accordance with claim 4 wherein providing funds includes the user [is] being instructed to go to the cashier's location to retrieve money or gaming chips.

7. (Amended) A method in accordance with claim 1 wherein [the] placing in communication [channel comprises] includes using at least one of a wireless system, a telephone
5 system and an internet system.

8. (Amended) A system for providing money to a user at an entertainment machine through an ATM-type network, the system comprising:

a. a point of sale device [in communication] associated with the entertainment machine;

b. an active layer computer [and server coupled to] , distinct from the ATM-type
10 network, in communication with the POS device [via a communication channel];

c. an intermediate host processor [coupled] in communication with the active layer computer [and server via the communication channel] and [coupled to] a financial institution [via the communication channel];

wherein the [communication channel comprises at least one of a wireless system, a
15 telephone system and an internet system.] active layer includes means for prescreening a request, the prescreening including transaction profiling.

9. (New) The system of claim 8 wherein the transaction profiling includes history lookup.

10. (New) The system of claim 8 wherein the transaction profiling includes player tracking.

20 11. (New) The system of claim 8 wherein the transaction profiling includes responsible gaming exclusion.

12. (New) The system of claim 8 wherein the transaction profiling includes fraud screening.

25 13. (New) The system of claim 8 wherein "in communication with" includes by at least one of a wireless system, a telephone system and an internet system.

14. (New) A system for providing money or playing credit to a user at an entertainment machine, comprising:

a plurality of point of sale devices, each associated with an entertainment machine;

an active layer in communication with the plurality of point of sale devices;

30 a host processor in communication with the active layer and a financial institution;

the active layer including:

means for receiving authorization for a request for money or credit associated with a point of sale device and means for instructing an entity associated with the point of sale device to provide money or credit relating to said authorization; and

5 the host processor includes means for transmitting host funds, relating to an authorized request, to an account associated with the point of sale device.

15. (New) The system of claim 14 wherein the host processor includes means for receiving funds from a financial institution relating to an authorized request.

16. (New) The system of claim 14 wherein the entity includes the entertainment machine associated with the point of sale device.

10 17. (New) The system of claim 14 wherein the entity includes an accounting system in communication with the entertainment machine associated with the point of sale device.

18. (New) The system of claim 14 wherein the entity includes a cashier associated with the point of sale device.

15 19. (New) The system of claim 14 wherein the entity includes personnel associated with the point of sale device.

20. (New) The system of claim 14 wherein the host processor includes means for seeking pre-authorization of a request and means for receiving notice of authorization of the request.

20 21. (New) The system of claim 14 wherein the active layer includes means for receiving said request from the point of sale device and means for transmitting said request to the host processor.

22. (New) The system of claim 14 that includes an accounting system in communication with an entertainment machine and the active layer.

23. (New) The system of claim 22 wherein active layer includes means for instructing the accounting system to instruct an entertainment machine to provide money or credit.

25 24. (New) A method for providing money or credit to a user at an entertainment machine comprising:

requesting electronic transfer of funds via a point of sale device associated with an entertainment machine;

30 requesting pre-authorization for the funds from a financial institution by a host processor; and

if the request is authorized: